

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE:)	
)	
RUTH LOIS BRILEY)	Case No. 18-31108-KLP
)	Chapter 13
Debtor)	

MOTION TO SELL REAL ESTATE

COMES NOW, the Debtor, by counsel, and as and for Debtor's Motion to Sell Real Estate, states as follows:

1. The Debtor filed this case under Chapter 13 of the U.S. Bankruptcy Code on March 6, 2018.
2. City of Richmond is a secured creditor which holds a tax lien on the property known as 816 Circlewood Dr., Richmond, VA 23224, more specifically known as

VUSA 0200 PAGE 0165

That certain parcel of land formerly in Manchester Magisterial District, Chesterfield County, Virginia, now in the City of Richmond, commencing at a point on the west line of 59th Street 184.23 feet south of the monument marking the east end of the curve at the intersection of the south line of Hill Road and the west line of 59th Street, thence running southwardly along the west line of 59th Street and fronting thereon one hundred two (102) feet; thence S.75° 44' 28" W. a distance of 187.52 feet to a point marked by an iron rod; thence N. 4° 11' W. a distance of 134.5 feet to an iron rod; thence N. 85° 49' E. one hundred eighty (180) feet to a point of beginning, said lot being further described as Lot No. 8 in Block C, Section C-4 of Woodstock, a plat of which is recorded in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia, in Plat Book 8, page 266.

BEING the same real estate which was conveyed to Jesse O. Mawyer, Jr., and Margaret J. Mawyer, his wife, by deed from Landon L. Taylor, et ux, dated September 22, 1961, and recorded September 28, 1961, in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia, in Deed Book 661, page 524.

(the "Property").

James E. Kane (VSB #30081)
KANE & PAPA, P.C.
1313 East Cary Street
Richmond, VA 23219
(804) 225-9500 (phone)
(804) 225-9598 (fax)
Counsel for Debtor

3. Although the Property has a tax assessed value of \$128,000.00, it is in severe disrepair. The Property has been vacant for nearly 2 years and the utilities have been cut off since then. The roof is damaged and the Property has incurred serious water damage.

4. Debtor has entered into a contract ("Contract") for the sale of the Property for \$55,000.00, which, upon closing of the same, will result in City of Richmond releasing its tax lien against the Property of approximately \$8,000.00. There is no mortgage on the Property. A copy of said Contract is attached hereto collectively as Exhibit "A" and incorporated herein by this reference.

5. The amount of the sale proceeds to be paid to the Chapter 13 Trustee is approximately \$17,000.00, which will result in full payment of all allowed claims, including a one hundred percent (100%) dividend to unsecured creditors.

6. On October 22, 2021, or as soon thereafter as may be practicable, Debtor intends to sell the Property in accordance with the terms of the Contract.

WHEREFORE, the Debtor requests that the Court enter an Order authorizing the sale of the Property in accordance with the terms of the Contract and for such other relief as the Court may deem appropriate

Dated: October 18, 2021

RUTH LOIS BRILEY

By: /s/ James E. Kane
Counsel

James E. Kane (VSB #30081)
KANE & PAPA, P.C.
1313 East Cary Street
Richmond, VA 23219
(804) 225-9500 (phone)
(804) 225-9598 (fax)
Counsel for Debtor

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2021, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all parties registered to receive notice thereof, and I mailed a true and exact copy to the parties on the list attached hereto.

/s/ James E. Kane
Counsel for Debtor

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FOR THE EASTERN DISTRICT OF VIRGINIA**
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IN RE:)	
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NOTICE OF MOTION AND HEARING

The above Debtor has filed a Motion to Sell Real Estate with the Court.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

The property Debtor is requesting authorization to sell 816 Circlewood Dr., Richmond, VA 23224 for \$55,000.00. Approximately \$8,000.00 from the proceeds from the sale will be paid to the City of Richmond to release its tax lien. There is no mortgage on the Property. The amount of the sales proceeds to be paid to the Chapter 13 Trustee is approximately \$17,000.00, which will result in full payment of all allowed claims, including a one hundred percent (100%) dividend to unsecured creditors.

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then within twenty-one (21) days from the date of this Notice, you or your attorney must:

- File with the court, at the address shown below, a written request for a hearing [or written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for a hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above, to:

Clerk of Court
United States Bankruptcy Court
701 East Broad Street
Richmond, VA 23219

You must also mail a copy to:

James E. Kane, Esquire
KANE & PAPA, P.C.
1313 East Cary Street
Richmond, Virginia 23219

- Attend a hearing scheduled for **October 20, 2021 at 10:00 a.m. at U.S. Bankruptcy Court, 701 East Broad Street, Room 5100, Richmond, VA 23219. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**
- **REMOTE HEARING INFORMATION:**

Due to the COVID-19 public health emergency, no in-person hearings are being held.

This hearing will take place remotely through Zoom on the date and time scheduled herein.

To appear at the hearing, you must send, by email, a completed request form (the "Zoom Request Form"), which is available on the Court's internet website at www.vaeb.courts.gov, on the page titled, "Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information." Email your completed Zoom Request Form to the email address listed for the Judge assigned to the case. Following receipt of your Zoom Request Form, Court staff will respond to the email address from which the request was submitted with additional information on how to participate through Zoom.

***The email address shall be used only to submit Zoom Request Forms. No other matters or requests will be considered by Court staff, and under no circumstances will any such matters or requests be brought to the Judge's attention. Failure to comply with these instructions may result in appropriate action, including but not limited to the imposition of sanctions.

***** PLEASE NOTE: You MUST submit the Zoom Request Form no later than two (2) business days prior to this hearing. Any documentary evidence the parties wish to present at the hearing must be filed with the Court in advance of the hearing.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated: October 18, 2021

RUTH LOIS BRILEY

By: /s/ James E. Kane
Counsel

James E. Kane (VSB #30081)
KANE & PAPA, P.C.
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Richmond, VA 23219
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Counsel for Debtor

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I hereby certify that on October 18, 2021, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all parties registered to receive notice thereof, and I mailed a true and exact copy to the parties on the list attached hereto.

/s/ James E. Kane
Counsel for Debtor

CONTRACT TO PURCHASE REAL ESTATE

This contract dated August 14, 2021 in which Buyer: Deshire Lopez offers to purchase from Seller(s): Ruth Briley the following described real estate, together with all improvements thereon and all appurtenant rights, located at: Address: 816 Circlewood Dr City: Richmond, VA 23224 City of: Richmond
 APN: C0060629020
 Legal Description: WOODSTOCK L8 BC SC4 0102.00X0187.52 IRG0000.000

In consideration of the sum of \$ 500.00 as earnest money due upon completion of inspection period, seller agrees:

- 1) The purchase price is to be \$ 55,000.00 payable in cash at closing
- 2) The conditions of this Purchase are as follows:
 - a) Purchase is subject to inspection. Seller will make Buyer aware of any known facts that affect the value of the Property.
 - b) Seller and tenant (if any) will make property accessible to show partners, lenders, inspectors, appraisers and contractors prior to closing.
 - c) If Buyer is unable to complete the purchase for any reason, the earnest money deposit shall be forfeited to the seller as total liquidated damages and buyer is released from any further obligation under this contract.
 - d) If Seller cannot provide clear title, Buyer will be released from any further obligation under this contract and deposit will revert to the Buyer; otherwise Seller promises to sell under this contract.
 - e) Buyer shall select closing agent. Closing to be held in county where property is located or county of Buyer's choice.
 - f) Purchase contract is assignable.
 - g) This agreement is subject to the final inspection and approval of the property by the buyer 5 days after the date this contract is received by buyer.
- 3) All property taxes to be current, any previous year's taxes to be paid by seller.
- 4) Closing date shall be on or before 14 days from the date signed below by Seller. Seller grants any extension needed to clear title or to complete closing documentation. Title to the above described real estate to be conveyed by Warranty Deed or other customary instrument of transfer. Title is to be free, clear, and unencumbered, free of any county, city and federal liens. All liens against the property shall be paid at closing by the seller.
- 5) This offer, when accepted, comprises the entire agreement of Purchaser and Seller, and it is agreed that no other representations have been made.
- 6) This Contract is contingent upon the buyer's inspection and approval of the property prior to transfer of title.

Date: 08/20/2021

Seller: Ruth Briley
 Please Print: Ruth Briley

Date: 08/14/2021

Buyer: Deshire Lopez
 Please Print: Deshire Lopez

Ballato Law Firm
3721 Westerre Parkway
Suite A
Henrico, VA 23233

City of Richmond
Office of Finance- delinq. tax
900 E. Broad St., Room 109
Richmond, VA 23219

City of Richmond
Real Estate
P.O. Box 85005
Richmond, VA 23285

Midland Funding
Attn: Bankruptcy
Po Box 939069
San Diego, CA 92193

Portfolio Recovery
Po Box 41067
Norfolk, VA 23541

Receivable Management Inc
7206 Hull Rd
Ste 211
Richmond, VA 23235

Regional Acceptance Co
10051 Midlothian Tpke
North Chesterfield, VA 23235

TACS
P O Box 31800
Henrico, VA 23294

Visa Dept Store National Bank/Macy's
Attn: Bankruptcy
Po Box 8053
Mason, OH 45040